IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7009 OF 2005

Madhukar Namdeo Takavale & ors. ... Applicants.
Versus.
The State of Maharashtra. ... Respondents.

Shri Vijay D.Patil for the Applicants.

Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 27th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned A.P.P. for the State.

2. The prayer is for modification of the condition incorporated in clause No.(ii) of the order dated 31st August 2005 passed by this Court. The Applicant No.1 seeks relaxation of the said condition on the ground that he is suffering from 50% permanent disability. The Applicant No.2 seeks relaxation on the ground that he is running a business in the city of Phaltan.

3. The learned A.P.P. on the instructions of the Investigating Officer states that the case made out by the Applicant No.1 as regards 50% disability appears to be genuine. In view of this position, condition No.(ii) will have to be modified so far as the Applicant No.1 is concerned. So far as the Applicant No.2 is concerned,

no case is made out for modification as for the reasons which are recorded in the order granting bail, the said condition has been imposed as on that day the charge sheet was not filed. Today also, the charge sheet has not been filed.

4. Hence the following order is passed:

i) Prayer made by the Applicant No.2 is rejected at this stage.

ii) The condition No.(ii) in paragraph 4 of the order dated 31st August 2005 will not apply to the Applicant No.1 subject to condition that till conclusion of trial, the Applicant No.1 will report to the concerned Police Station once in a week.

iii) The Application stands disposed of.

iv) The parties to act on an authenticated copy of this order.

Judge.